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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

4 v.

19 CR 833 (SHS)

Telephone Conference

5 JOSEPH MINETTO,

6 Defendant.

7 -----x

8 New York, N.Y.

9 June 23, 2021

5:30 p.m.

10 Before:

11 HON. SIDNEY H. STEIN,

12 District Judge

13 APPEARANCES

14 AUDREY STRAUSS,

15 Acting United States Attorney for the
Southern District of New York

16 BY: ROBERT SOBELMAN

KIERSTEN FLETCHER

17 Assistant United States Attorney

18 LAW OFFICE OF MICHAEL H. SPORN, ESQ.

19 Attorney for Defendant

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(The Court and all parties appearing telephonically)

(Case called)

MR. SOBELMAN: Robert Sobelman for the United States.

Good evening, your Honor.

THE COURT: Good evening, sir.

MR. SPORN: Good afternoon, your Honor. Michael Sporn
for Joseph Minetto.

THE COURT: Good afternoon. Mr. Minetto, can you see
and hear me, sir? You're muted, sir. Your microphone is
muted.

THE DEFENDANT: I apologize. I can see you and hear
you, sir.

THE COURT: I have a form in front of me, Mr. Minetto,
it says waiver of right to be present at criminal proceeding.
It looks as if Mr. Sporn has electronically affixed his
signature on your behalf to that form on June 18th.

Do you recall discussing that form with him and
authorizing him to affix your signature to it?

THE DEFENDANT: Yes, your Honor.

THE COURT: Are you aware, sir, that you've been
charged with violations of federal law?

THE DEFENDANT: Yes, your Honor.

THE COURT: Have you decided to enter a plea of guilty
to certain of those charges?

THE DEFENDANT: Yes, your Honor.

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1 THE COURT: Do you understand you have a right to
2 appear before me physically in a courtroom, sir, while you're
3 entering a plea of guilty?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Do you also understand that you have the
6 right to have your attorney sitting next to you or standing
7 next to you while I allocute you in connection with that plea
8 of guilty, physically in the courtroom?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Do you also understand that the public
11 health emergency created by the COVID-19 pandemic has
12 restricted everyone's ability to be in the courthouse, although
13 I'm there now.

14 Do you understand that?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: Now, I understand that you are giving up
17 your right to appear physically in person before me when you
18 enter a plea of guilty; is that correct?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: You have the right to have Mr. Sporn,
21 although you're not physically before me, you can speak with
22 Mr. Sporn on a confidential basis. My deputy can set up a
23 virtual room for you to talk with him privately. So, if you
24 want to talk to him or if he wants to talk to you privately,
25 just indicate that and we'll set up a virtual private room.

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1 Do you understand that, sir?

2 THE DEFENDANT: Yes, I do understand.

3 THE COURT: Do you wish to proceed now rather than
4 wait until you're in the courthouse?

5 THE DEFENDANT: I do, your Honor.

6 THE COURT: I do make the finding that this plea
7 cannot be further delayed without serious harm to the interest
8 of justice.

9 Ms. Blakely, if would you administer the oath to
10 Mr. Minetto.

11 (Defendant sworn)

12 THE COURT: You may take your hand down, sir.

13 Is that a virtual background in back of you or is that
14 the actual background where you are, sir?

15 THE DEFENDANT: That is the actual background.

16 THE COURT: Very nice. Trees, and it doesn't look
17 like New York City.

18 THE DEFENDANT: No.

19 THE COURT: Do you understand, Mr. Minetto, that you
20 are now under oath and if you answer any of my questions
21 falsely, your false or untrue answers may be later be used
22 against you in another prosecution for perjury or for making a
23 false statement?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: What's your full name, sir?

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1 THE DEFENDANT: Joseph Mitchell Minetto.

2 THE COURT: How old are you?

3 THE DEFENDANT: I'm 34 years old.

4 THE COURT: How far did you go in school?

5 THE DEFENDANT: I graduated, bachelor's degree from
6 SUNY Buffalo.

7 THE COURT: Is that a wind chime or somebody's phone?

8 THE DEFENDANT: That's my wind chime. I'm sorry, my
9 kids are up inside, so this is the only safe haven I have. I
10 apologize.

11 THE COURT: That's okay. As long as it's just the
12 wind chime.

13 Are you able to write, speak, and understand English?

14 THE DEFENDANT: I can, yes.

15 THE COURT: You say you can. I take it English is
16 your native language?

17 THE DEFENDANT: It is, sir.

18 THE COURT: Are you now or have you recently been
19 under the care of a doctor or a psychiatrist?

20 THE DEFENDANT: No.

21 THE COURT: Have you ever been treated or hospitalized
22 for any mental illness or any type of addiction, including drug
23 or alcohol addiction?

24 THE DEFENDANT: I have, your Honor.

25 THE COURT: What is that?

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1 THE DEFENDANT: Drug and alcohol addiction.

2 THE COURT: When?

3 THE DEFENDANT: Last June was six and a half years
4 ago, your Honor.

5 THE COURT: Was it inpatient?

6 THE DEFENDANT: I did do inpatient, yes.

7 THE COURT: How long was it?

8 THE DEFENDANT: 21 days, in addition to a three-day
9 detox. So about 24 days in total.

10 THE COURT: I take it you successfully completed that
11 program?

12 THE DEFENDANT: I did, your Honor.

13 THE COURT: In the past 24 hours, Mr. Minetto, have
14 you taken any drugs, medicine, pills, or consumed any alcohol?

15 THE DEFENDANT: I have not, your Honor.

16 THE COURT: Is your mind clear today?

17 THE DEFENDANT: It is, your Honor.

18 THE COURT: Are you feeling all right today?

19 THE DEFENDANT: I am, your Honor.

20 THE COURT: Do you have an attorney?

21 THE DEFENDANT: I do, your Honor.

22 THE COURT: Who is that?

23 THE DEFENDANT: Attorney Michael Sporn.

24 THE COURT: Mr. Sporn, do you have any doubt as to
25 Mr. Minetto's competence to plead at this time?

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MR. SPORN: No, Judge.

THE COURT: Mr. Minetto, is it true that you wish to enter a plea of guilty today, sir?

THE DEFENDANT: It is, your Honor.

THE COURT: Have you had a full opportunity to discuss your case with Mr. Sporn and discuss the consequences of entering a plea of guilt?

THE DEFENDANT: I have, your Honor.

THE COURT: Are you fully satisfied with Mr. Sporn and his representation of you?

THE DEFENDANT: I am, your Honor.

THE COURT: On the basis of Mr. Minetto's responses to my questions and my observations of his demeanor, I find that he is fully competent to enter an informed plea at this time.

Before I accept the plea from you, Mr. Minetto, I'm going to be asking you certain question which are intended to satisfy me that you wish to plead guilty because you are guilty and that you fully understand the consequences of entering a plea of guilt.

I'm going to be describing to you certain rights you have under the Constitution and laws of the United States; you're going to be giving up those rights if you enter a plea of guilty. I need you to listen to me carefully, and if you do not understand anything I'm saying or describing, I want you to stop me, sir, and either I or Mr. Sporn will explain it more

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1 fully.

2 Do you understand that?

3 THE DEFENDANT: I do, your Honor.

4 THE COURT: Under the Constitution and laws of the
5 United States, sir, you have a right to a speedy and public
6 trial by a jury on the charges against you, which are contained
7 in an indictment in 19CR833, United States v. Joseph Minetto.

8 Do you understand that?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: If there were a trial, you would be
11 presumed innocent and the government would be required to prove
12 you guilty by competent evidence and beyond a reasonable doubt.
13 You would not have to prove you were innocent at a trial.

14 Do you understand that?

15 THE DEFENDANT: I do, your Honor.

16 THE COURT: If there were a trial, a jury composed of
17 12 people selected from this district would have to agree
18 unanimously, sir, that you were guilty beyond a reasonable
19 doubt.

20 Do you understand that?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: You have a right to be represented by an
23 attorney at trial, and not only at trial, sir, but at every
24 other stage of the proceedings. If you could not afford an
25 attorney, one would be given to you at no cost to you.

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1 Do you understand that?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: If there were a trial, you would have a
4 right to see and hear all of the witnesses against you, and you
5 and your attorney could cross examine them. You would have a
6 right to have your attorney object to the government's evidence
7 and offer evidence on your own behalf if you so desired. You
8 would have the right to have subpoenas issued or other
9 compulsory process used to compel witnesses to testify in your
10 defense.

11 Do you understand those rights?

12 THE DEFENDANT: I do, your Honor.

13 THE COURT: If there were a trial, you would have the
14 right to testify if you wanted to, but no one could force you
15 to testify if you did not want to, sir. In addition, no
16 inference or suggestion of guilt could be drawn if you chose
17 not to testify at trial.

18 Do you understand those rights?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: Do you understand that by entering a plea
21 of guilty today, you're giving up each and every one of the
22 rights I've described, you're waiving them and that you will
23 have no trial?

24 THE DEFENDANT: Correct, your Honor.

25 THE COURT: Do you understand you have the right to

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1 change your mind right now, Mr. Minetto, you can refuse to
2 enter a plea of guilty and you do not have to enter this plea
3 of guilty if you do not want to for any reason whatsoever.

4 Do you understand that?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Have you received a copy of the indictment
7 in this case?

8 THE DEFENDANT: I have, your Honor.

9 THE COURT: Did you read it?

10 THE DEFENDANT: I have, yes.

11 THE COURT: Did you discuss it with Mr. Sporn?

12 THE DEFENDANT: Yes, we have.

13 THE COURT: Did he answer all of your questions about
14 it?

15 THE DEFENDANT: Yes, absolutely.

16 THE COURT: You have the right to have me read this to
17 you now, but if you don't want me to read it, I won't. What's
18 your pleasure?

19 THE DEFENDANT: I waive that reading.

20 THE COURT: I accept that as a knowing and voluntary
21 waiver.

22 Do you understand, sir, that you are charged in
23 count 1 of that indictment with participating in a conspiracy
24 to commit wire fraud in connection with the conduct of
25 telemarketing in violation of 18, United States Code, Section

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1 1349 and 2326?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: Do you understand that if you did not
4 plead guilty, the government would have to prove each and every
5 part or element of the charge in that indictment against you
6 beyond a reasonable doubt at a trial?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Mr. Sobelman, set forth the elements.

9 MR. SOBELMAN: Count 1 has two elements. First, two
10 or more persons, in some way or manner, agreed to try to
11 accomplish a common and unlawful plan to commit wire fraud as
12 set forth in 18 U.S.C. 1343; second, the defendant knew the
13 unlawful purpose of the plan and willfully joined in it.

14 The object of the conspiracy is wire fraud under 18
15 U.S.C. 1343, which, in turn, has three elements, and there are
16 two additional elements under the telemarketing enhancement.
17 First, the defendant devised a scheme to defraud or to obtain
18 money or property by materially false or fraudulent pretenses,
19 representations, or promises, or willfully participated in such
20 a scheme with knowledge of its fraudulent nature; second, that
21 the defendant acted with the intent to defraud; third, that the
22 defendant, in advancing, furthering, or carrying out the
23 scheme, transmitted any writing, signal, or sound by means of a
24 wire, radio, or television communication in interstate commerce
25 or caused the transmission of any writing, signal, or sound of

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1 some kind by means of a wire, radio, or television
2 communication in interstate commerce.

3 In addition here, the telemarketing fraud provision,
4 the foregoing has to have been in connection with the conduct
5 of telemarketing and the offense had to have either victimized
6 either ten or more persons over the age of 55 or targeted
7 persons over the age of 55.

8 In addition to the foregoing elements, the government
9 would also have to prove at trial by a preponderance of the
10 evidence that venue is proper here in the Southern District of
11 New York, which, in this case, would mean that at least one
12 member of the conspiracy took an act in furtherance of the
13 conspiracy within this district.

14 THE COURT: Mr. Minetto, do you understand those are
15 the elements that the government would have to prove beyond a
16 reasonable doubt, except for the venue requirement, which just
17 has to be proven by the government by a preponderance of the
18 evidence?

19 Do you understand that?

20 THE DEFENDANT: I do understand, your Honor.

21 THE COURT: Do you understand that the maximum
22 possible penalty of count 1 is 30 years in prison, supervised
23 release of five years, maximum fine of the greatest of \$250,000
24 or twice the gross pecuniary gain derived from the offense, or
25 twice the gross pecuniary loss to individuals other than you

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1 resulting from the offense, plus a \$100 mandatory special
2 assessment?

3 Do you understand that?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Now, I told you that part of that maximum
6 penalty was a maximum term of supervised release of five years.
7 That means that you're going to be subject to monitoring by the
8 authorities upon your release from prison and that monitoring
9 is to be under terms and conditions that could lead to your
10 reimprisonment without a jury trial for all or part of the term
11 of supervised release and without credit for time previously
12 served on post-release supervision if you violate any term or
13 condition of supervised release.

14 Do you understand that?

15 THE DEFENDANT: I understand, your Honor.

16 THE COURT: Do you also understand that I have the
17 authority and actually the requirement to order restitution to
18 anyone injured as a result of your criminal conduct?

19 Do you understand that?

20 THE DEFENDANT: I do, your Honor.

21 THE COURT: Do you understand that if I accept your
22 guilty plead today, sir, and determine you to be guilty, that
23 determination will deprive you of such valuable civil rights,
24 such as the right to vote, the right to hold public office, the
25 right to serve on a jury, the right to possess any kind of a

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1 firearm?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: Mr. Sporn, I assume your client is a
4 United States citizen; is that correct?

5 MR. SPORN: He is a citizen, yes, your Honor.

6 THE COURT: Mr. Minetto, there are sentencing
7 guidelines that judges must utilize in applying factors set
8 forth in 18, United States Code, Section 3553(a) in determining
9 what an appropriate sentence is in your case.

10 Have you talked to Mr. Sporn about the sentencing
11 guidelines?

12 THE DEFENDANT: I have, your Honor.

13 THE COURT: Did he answer your questions, if any,
14 about the sentencing guidelines?

15 THE DEFENDANT: He did, your Honor.

16 THE COURT: Do you understand that I won't be able to
17 determine what the relevant guideline range is until after I
18 receive a presentence report from the probation office, and you
19 and the government and Mr. Sporn have all had an opportunity to
20 read it and file objections with me?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: Even after I determine what the guideline
23 range is, I still have to determine whether it's appropriate
24 for me to impose a sentence that is higher than the guidelines
25 or, for that matter, impose a sentence that is lower than the

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1 guidelines all based on a departure from the guidelines.

2 Do you understand that?

3 THE DEFENDANT: I do, your Honor.

4 THE COURT: Even after I do that, that is determine
5 what the guideline range is, I then determine whether there are
6 grounds for me to either depart either upward or downward from
7 the guideline range. Even then, after that, I still have to
8 apply all of the factors in 18, United States Code, Section
9 3553(a) to determine what a reasonable, fair, and appropriate
10 sentence is for you.

11 Do you understand that?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Do you also understand, sir, that when
14 you're sentenced to prison, the system of parole that used to
15 exist here has been abolished, you won't be released any
16 earlier from a prison sentence on parole, you'll serve that
17 whole term in prison?

18 Do you understand that?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: Do you understand that if anyone has told
21 you that they know what I'm going to sentence you to or they
22 have an expectation or prediction, or even if you, yourself,
23 think you know what you're going to be sentenced to, sir,
24 everybody could be wrong?

25 Do you understand that?

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1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: The reason is, I don't know what I'm going
3 to sentence you to. I'm the one who's going to sentence you
4 and I don't know what I'm going to sentence you to because I
5 don't know enough about you or your crime or your finances or
6 your education or your criminal history or anything about that,
7 so I don't know what I'm going to sentence you to. If I don't
8 know what I'm going to sentence you to and if I'm the one who's
9 sentencing you, I assure you nobody can know what you're going
10 to be sentenced to.

11 Do you understand that?

12 THE DEFENDANT: Absolutely, your Honor.

13 THE COURT: If you receive a sentence from me that's
14 different than anyone has told you or it's going to be
15 different from anything you think it's going to be yourself,
16 you're still going to be bound to your guilty plead today,
17 you're not going to be allowed to withdraw it.

18 Do you understand that?

19 THE DEFENDANT: I understand, your Honor.

20 THE COURT: I have a document here, it's dated May 7,
21 it's a letter to Mr. Sporn. It's signed by -- my guess is its
22 Kiersten Fletcher. It could be Ms. Fletcher or Ms. Kearney.
23 It doesn't look like Mr. Sobelman's signature.

24 Mr. Sobelman, is that Ms. Fletcher's signature?

25 MR. SOBELMAN: Yes, your Honor.

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1 THE COURT: It's signed by Ms. Fletcher. It's seven
2 pages long. I'm going to call it the plea agreement. I'll
3 look on the last page. It appears to have an electronic
4 signature of Mr. Sporn with your authority.

5 Did you authorize him to sign this on your behalf,
6 sir?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Did you read this agreement before you
9 signed it?

10 THE DEFENDANT: I did, your Honor.

11 THE COURT: Did you discuss it with Mr. Sporn before
12 you signed it?

13 THE DEFENDANT: I did, your Honor.

14 THE COURT: That's all right. I understand it's a
15 child interrupting. You want to talk to her?

16 THE DEFENDANT: Yes. I apologize. I'm just going to
17 relocate real quick, because it's too late. Sorry about that,
18 your Honor.

19 THE COURT: That's all right. Do you want to go
20 somewhere else so they can go outside? It's better for the
21 Court if there is no screaming.

22 THE DEFENDANT: They're back in. It's dinnertime
23 anyway. I apologize.

24 THE COURT: That's all right. Corporal punishment was
25 not needed, I hope.

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1 THE DEFENDANT: No, it was not.

2 THE COURT: Did you discuss this agreement with
3 Mr. Sporn before you signed it?

4 THE DEFENDANT: I did, your Honor, yes.

5 THE COURT: Did he answer any questions you may have
6 had?

7 THE DEFENDANT: He did, yes.

8 THE COURT: Mr. Minetto, do you believe you understood
9 this agreement before you signed it?

10 THE DEFENDANT: I did understand it, your Honor.

11 THE COURT: Does this letter agreement constitute your
12 complete and total understanding of the entire agreement
13 between the government, Mr. Sporn, and yourself?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: Is everything about your plea and sentence
16 contained in this agreement?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Has anything been left out of it? Are
19 there any side deals I should know about?

20 THE DEFENDANT: No, your Honor.

21 THE COURT: Has anyone offered you any inducements or
22 threatened you or forced you to plead guilty or to enter into
23 the plea agreement?

24 THE DEFENDANT: No, they have not, your Honor.

25 THE COURT: Do you understand that, in this plea

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1 agreement, you agree to admit the forfeiture allegation in the
2 indictment and you agree to forfeit to the United States
3 \$1,140,887.53?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Do you understand you're giving up your
6 right to appeal the sentence and you're giving up your right to
7 collaterally attack the sentence if I sentence you to 87 months
8 in prison or fewer months?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Do you understand that you're waiving your
11 right to assert the statute of limitations as a defense to the
12 action against you?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Mr. Sporn, are you aware of any valid
15 defense that would prevail at trial or of any reason why
16 Mr. Minetto should not be permitted to plead guilty today?

17 MR. SPORN: No, your Honor.

18 THE COURT: Is there an adequate factual basis, in
19 your view, Mr. Sporn, to support this plea of guilty?

20 MR. SPORN: Yes, there is.

21 THE COURT: Is there an adequate factual basis in the
22 view of the government to support this plea?

23 MR. SOBELMAN: Yes, your Honor.

24 THE COURT: All right. Mr. Minetto, tell me what you
25 did that makes you guilty of count one.

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1 THE DEFENDANT: Sure. Sometime between 2012 and 2019,
2 I helped to manage a sales floor in New Jersey where
3 salespeople used a telephone to call potential customers – many
4 of these customers were over the age of 55 and were located in
5 states other than New Jersey or in Manhattan – to try to sell
6 them business opportunity services packaged to enhance the
7 success of their business when, in truth and in fact, these
8 so-called services had little or no value. I knew that it was
9 wrong and I knew it was illegal to participate with others in
10 the telemarketing scheme to obtain money from people by making
11 what were essentially false or misleading promises.

12 THE COURT: False and what?

13 THE DEFENDANT: Misleading promises.

14 THE COURT: Were there scores of people over the age
15 of 55 that were targets of this?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: Your sales floor was in New Jersey. Did
18 you have contacts with people who you were attempting to sell
19 these so-called business ops to in Manhattan?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: When did you these acts, did you know that
22 what you were doing was wrong and illegal, sir?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Mr. Sobelman, is there anything else the
25 government wants on the factual allocution?

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1 MR. SOBELMAN: No, your Honor.

2 THE COURT: Mr. Sporn, anything?

3 MR. SPORN: No, Judge. Thank you.

4 THE COURT: Mr. Sobelman, what does the government
5 have here in terms of Mr. Minetto's participation in this vast
6 conspiracy that I've dealt with before that really just took
7 great advantage of elderly people? What does the government
8 have against him?

9 MR. SOBELMAN: Your Honor, if the defendant were to
10 proceed to trial, the government would expect that there would
11 be multiple cooperating witnesses who would testify about the
12 defendant's involvement. We would put on electronic evidence
13 from the defendant's devices and accounts and those of others
14 that detail the defendant's involvement in the scheme. We
15 would call victims to testify at trial to describe false or
16 misleading promises that were made by the sales floor run by
17 Mr. Minetto, among other evidence, including financial records.

18 THE COURT: Mr. Minetto, how do you now plead to the
19 charge in count 1 of indictment 19CR833 against you, guilty or
20 not guilty?

21 THE DEFENDANT: Guilty, your Honor.

22 THE COURT: Are you pleading guilty because you are
23 guilty?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: Are you pleading guilty voluntarily and of

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1 your own free will?

2 THE DEFENDANT: I am, your Honor.

3 THE COURT: Because you acknowledge you are guilty as
4 charged, because I find you know your rights and are waiving
5 them knowingly and voluntarily, because I find your plea is
6 entered knowingly and voluntarily and is supported by an
7 independent basis and fact containing each of the essential
8 elements of the offense, I accept your plea, sir, of guilt. I
9 adjudge you guilty of the offense to which you have pled.

10 The probation department is going to prepare a report.
11 Give them accurate information. They're going to interview
12 you, Mr. Sporn can be there. I don't know if they're doing
13 those interviews remotely these days, but they'll conduct an
14 interview with you. I'm going to use that when I try to
15 determine what an appropriate sentence is in your case.

16 Ms. Blakely, can you provide me with a sentencing
17 date. Let's do it on a date where there are other people in
18 this wide ranging conspiracy who are being sentenced, as well.

19 THE DEPUTY CLERK: September 23rd.

20 THE COURT: What time?

21 THE DEPUTY CLERK: At 11:30 a.m.

22 THE COURT: All right. September 23rd, 11:30 a.m.
23 Two weeks in advance, I want the government's submission, if
24 any. One week in advance, I want the defense submission, if
25 any.

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1 Mr. Sobelman, is there any application in regard to
2 bail?

3 MR. SOBELMAN: No, your Honor.

4 But, with respect to the submissions, just to be
5 clear, the defense submits two weeks out, we submit one week
6 out; is that correct?

7 THE COURT: I am sorry. You are absolutely right.
8 Thank you for that correction. It's the defendant that goes
9 first and then the government.

10 MR. SOBELMAN: No problem. There is no application
11 with respect to bail. There are no additional counts in the
12 indictment as to this defendant.

13 THE COURT: Mr. Minetto, you're going to be kept out
14 on bail. I'm not going to remand you. I don't think that
15 makes any sense. You are going to have to continue to follow
16 all the conditions of bail that you've been released on up to
17 now.

18 Do you understand that?

19 THE DEFENDANT: I understand, your Honor.

20 THE COURT: If you violate any of those conditions,
21 the probation department, pretrial services, I guess, will
22 bring a petition that may result in your remand. So continue
23 to follow all of the conditions of your release.

24 Understood?

25 THE DEFENDANT: I understand, your Honor.

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1 THE COURT: I will see you on the date of sentence or
2 any adjourn date that I set.

3 Mr. Sporn, is there anything else I can do for you
4 today?

5 MR. SPORN: No, Judge. Thank you.

6 THE COURT: Mr. Sobelman, anything?

7 MR. SOBELMAN: No, your Honor. Thank you.

8 THE COURT: All right. Thank you. The Court is
9 leaving the call.

10 * * *